

### **EXAMINER COMMUNICATION SUMAMRY**

On January 22, 2010, the Examiner and the undersigned communicated via telephone regarding the instant Application. The Examiner's time and consideration with respect to this Application is acknowledged and appreciated. The Examiner agreed that the amendments proposed by the undersigned would overcome the currently cited art (*Lee*); the Examiner indicated that a new search would be required. The Examiner indicated that in the event a Notice of Allowance is not issued in response to the RCE a non-final office action would be issued in response to the RCE. As such, Applicants submit that a Final Office Action would not be proper in response to this paper.

No final agreement was reached.